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October 17, 2017

**VIA ECF**

Honorable Dora L. Irizarry  
United States District Judge  
United States District Court, Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, N.Y. 11201

Re: *Weiss, et al. v. National Westminster Bank Plc, 05-cv-4622*  
*Applebaum, et al. v. National Westminster Bank Plc, 07-cv-916*  
*Strauss, et al. v. Crédit Lyonnais, S.A., 06-cv-702*  
*Wolf, et al. v. Crédit Lyonnais, S.A., 07-cv-914*

Dear Chief Judge Irizarry:

We represent Plaintiffs in both the National Westminster Bank (“NatWest”) and Crédit Lyonnais (“CL”) cases. We write on behalf of all Plaintiffs’ counsel to address an issue that arose during our telephone conference with Magistrate Judge Levy on October 16, 2017 as it relates to the trial schedule and to request that the *NatWest* trial proceed before the *CL* trial.

*NatWest* was filed in this district before *CL*, and that sequence reflects our clients’ preference. Furthermore, we believe *NatWest* can more readily be prepared for trial because it has substantially fewer translation-related issues since *NatWest*’s employees all testified in English and their documents are also in English. *NatWest* also involves two fewer attacks. Lastly, defense counsel has not articulated any unfair prejudice *NatWest* would suffer by being the defendant in the first action – and Plaintiffs are not aware that any exists.

During the call with Magistrate Judge Levy, when Plaintiffs indicated that they might prefer to proceed with *NatWest* first, defense counsel referenced the most recent hearing before Your Honor, held on September 15, 2016 (attached hereto as Exhibit 1), and indicated that Your Honor had stated that *CL* would proceed first. Plaintiffs re-reviewed the transcript and do not see any reference therein to Your Honor making any

such statement. Nor are we aware of Your Honor having done so in the past during the pendency of these cases.

Nearly a decade ago, on December 4, 2008, Plaintiffs *did* submit a letter proposing schedules for the cases (attached hereto as Exhibit 2) that indicated Plaintiffs' preference to proceed with *CL* first in light of the respective progress of the cases at the time. However, that letter predated the parties' summary judgment briefing, appellate review by the Second Circuit, renewed motions to dismiss, and a second round of summary judgment briefing. At this juncture, it is objectively easier to prepare first for a *NatWest* trial, and no prior ruling of this Court forecloses that.

Ultimately, the Court will determine what is most efficient, but we felt that it was important from our clients' perspective that the Court be advised of our position on this issue.

Thank you in advance for your consideration.

Respectfully submitted,

/s/ Tab Turner

CTT/lg

cc: All Counsel of Record